

Message Text

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E.O.112065 ADS (DECLASSIFY UPON PUBLICATION) (MONJO, J.C.)

TAGS: PSDC, MARR, RP, US

SUBJECT: VANCE-ROMULO LETTER

1. S (ENTIRE TEXT)
2. FOR AMBASSADOR MURPHY FROM HOLBROOKE.

THERE FOLLOWS DRAFT OF LETTER FROM SECRETARY VANCE TO
FOREIGN MINISTER ROMULO. DRAFT IS UNCLEARED, FOR YOUR
INFORMATION ONLY, AND SHOULD NOT BE SHOWN TO FILIPINOS.
WE EXPECT ADDITIONAL CHANGES BY THE SECRETARY. REQUEST
YOUR COMMENT BY 0900 JANUARY 6 WASH, D.C.
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QUOTE:

HIS EXCELLENCY
CARLOS P. ROMULO
MINISTER OF FOREIGN AFFAIRS OF THE PHILIPPINES
MANILA

DEAR GENERAL ROMULO:

-- I WAS DELIGHTED TO LEARN THAT NEGOTIATORS FOR OUR

TWO GOVERNMENTS HAVE REACHED AGREEMENT ON A COMPREHENSIVE AMENDMENT TO THE MILITARY BASES AGREEMENT. I BELIEVE MUCH SIGNIFICANCE WILL BE ATTACHED TO THIS AMENDMENT, WHICH PLACES OUR USE OF FACILITIES IN THE REPUBLIC OF THE PHILIPPINES ON A NEW AND LONG-TERM BASIS THAT FULLY RECOGNIZES PHILIPPINE SOVEREIGNTY OVER THE BASES. IT WILL BE SYMBOLIC IN ASIA, AS WELL AS IN OUR TWO COUNTRIES, OF THE IMPORTANCE WHICH THE UNITED STATES ATTACHES TO CONTINUED CLOSE RELATIONS WITH THE PHILIPPINES. IT PROVIDES TANGIBLE ASSURANCE OF THE STRONG DESIRE OF THE UNITED STATES FOR CLOSE COOPERATION WITH ITS FRIENDS AND ALLIES.

-- I SHOULD LIKE TO REAFFIRM OUR OBLIGATION UNDER ARTICLE IV OF THE MUTUAL DEFENSE TREATY TO ACT TO MEET THE COMMON DANGERS IN ACCORDANCE WITH OUR CONSTITUTIONAL PROCESSES IN THE EVENT OF AN ARMED ATTACK IN THE PACIFIC AREA ON THE REPUBLIC OF THE PHILIPPINES. I ALSO REAFFIRM OUR OBLIGATIONS UNDER ARTICLE III OF THIS TREATY, WHICH PROVIDES FOR CONSULTATIONS BETWEEN OUR TWO GOVERNMENTS REGARDING THE IMPLEMENTATION OF THIS TREATY AND WHENEVER IN THE OPINION OF EITHER PARTY THE
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TERRITORIAL INTEGRITY, POLITICAL INDEPENDENCE OR SECURITY OF EITHER OF THE PARTIES IS THREATENED BY EXTERNAL ARMED ATTACK IN THE PACIFIC. THIS ASSURES THAT EITHER PARTY WILL BE ABLE TO CONSULT THE OTHER ON ANY MATTER WHICH IT BELIEVES FALLS WITHIN THIS ARTICLE.

-- ARTICLE V OF THE MUTUAL DEFENSE TREATY STATES THAT FOR THE PURPOSES OF ARTICLE IV, AN ARMED ATTACK ON EITHER OF THE PARTIES IS DEEMED TO INCLUDE AN ARMED ATTACK ON THE METROPOLITAN TERRITORIES OF EITHER OF THE PARTIES OR ON THE ISLAND TERRITORIES UNDER ITS JURISDICTION IN THE PACIFIC OR ON ITS ARMED

FORCES, PUBLIC VESSELS OR AIRCRAFT IN THE PACIFIC. ALL ELEMENTS OF THIS DEFINITION ARE OF EQUAL VALIDITY IN TERMS OF U.S. COMMITMENT UNDER THE TREATY. METROPOLITAN TERRITORY IS DEFINED BELOW. HOWEVER, AS PROVIDED IN ARTICLE V, AN ATTACK ON PHILIPPINE ARMED FORCES, PUBLIC VESSELS OR AIRCRAFT IN THE PACIFIC WOULD NOT HAVE TO OCCUR WITHIN THE METROPOLITAN TERRITORY OF THE PHILIPPINES OR ISLAND TERRITORIES UNDER ITS JURISDICTION IN THE PACIFIC IN ORDER TO COME WITHIN THE DEFINITION OF PACIFIC AREA IN ARTICLE V.

-- AT THE SAME TIME, THE UNITED STATES WILL SUPPORT PHILIPPINE PLANS AND EFFORTS TO ACHIEVE MILITARY

SELF-RELIANCE, WITHIN THE GUIDELINES OF PRESIDENT CARTER'S LETTER. WE WILL SUPPORT THOSE EFFORTS BY MEANS OF OUR SECURITY ASSISTANCE PROGRAMS, INCLUDING THE IMPORTANT TRAINING COMPONENT. WE REMAIN RECEPTIVE TO ANY NEW IDEAS OR CONCEPTS THAT MIGHT IMPROVE THE CAPABILITY AND SELF-RELIANCE OF PHILIPPINE ARMED FORCES AND ENHANCE OUR MUTUAL CONTRIBUTION TO REGIONAL PEACE AND STABILITY.

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-- THE PROVISIONS REGARDING CRIMINAL JURISDICTION FOR UNITED STATES FORCES IN THE PHILIPPINES INCORPORATE THE SUBSTANCE OF COMPARABLE ARRANGEMENTS APPLICABLE TO UNITED STATES FORCES IN MEMBER COUNTRIES OF THE NORTH ATLANTIC TREATY ORGANIZATION, AND IN JAPAN. MOREOVER, IN THOSE CASES WHERE OFFICIAL DUTY IS AT ISSUE BETWEEN THE UNITED STATES AND PHILIPPINE GOVERNMENTS, UNITED STATES FORCES HAVE DEVELOPED PROCEDURES TO RETAIN ACCUSED PERSONNEL IN THE PHILIPPINES FOR A REASONABLE TIME, AND TO PREVENT THEIR INADVERTENT DEPARTURE, IN ORDER TO PROVIDE OPPORTUNITIES FOR DISCUSSIONS BETWEEN THE TWO GOVERNMENTS RELATING TO THE JURISDICTIONAL QUESTION. I WELCOME THE ASSUMPTION BY PHILIPPINE FORCES OF RESPONSIBILITY FOR PERIMETER SECURITY AT THE BASES. THESE NEW ARRANGEMENTS SHOULD CONTRIBUTE GREATLY TO EASING THE PROBLEMS OF CRIMINAL JURISDICTION.

-- WITH RESPECT TO BASE LANDS OUTSIDE THE UNITED STATES FACILITIES AND THE SURROUNDING AREAS, THE UNITED STATES GOVERNMENT IS READY TO CONSIDER THE

QUESTION OF ECONOMIC ASSISTANCE AND OTHER UNITED

STATE GOVERNMENT PROGRAMS FOR SUITABLE PROJECTS AS WELL AS PROJECTS THAT MIGHT APPROPRIATELY BE UNDERTAKEN BY PRIVATE ENTERPRISE. THE UNITED STATES GOVERNMENT STANDS READY, FOR EXAMPLE, TO WORK WITH THE PHILIPPINE GOVERNMENT TO DETERMINE WHAT CAN BE DONE TO HELP SMALL-FARMER AGRICULTURE PROVIDE MORE FOOD OF THE TYPE AND QUALITY WHICH THE U.S. FACILITIES, ALONG WITH OTHER BUYERS, MIGHT PURCHASE. IN ADDITION,

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THE UNITED STATES GOVERNMENT IS PREPARED TO PROVIDE APPROPRIATE ASSISTANCE IN IMPROVING ECONOMIC AND SOCIAL CONDITIONS IN ANGELES CITY AND OLONGAPO CITY AND SURROUNDING AREAS AND TO RELATE THESE U.S. EFFORTS TO PHILIPPINE GOVERNMENT PLANS FOR UTILIZATION OF RETURNED BASE LAND AREAS.

-- IN THE NEGOTIATIONS LEADING TO THE PRESENT AMENDMENT, A NUMBER OF QUESTIONS HAVE ARISEN REGARDING THE MUTUAL DEFENSE TREATY AND THE PROPOSAL TO CONDUCT A REVIEW OF THE MILITARY BASES AGREEMENT FIVE YEARS AFTER THE ENTRY INTO FORCE OF THE PRESENT AMENDMENT. I SHOULD LIKE TO SET FORTH THE POSITIONS OF THE UNITED STATES GOVERNMENT WITH RESPECT TO THOSE QUESTIONS AS FOLLOWS:

-- IN THE CONTEXT OF THE MUTUAL DEFENSE TREATY, WE WOULD DEFINE /AGRESSION" AS EXTERNAL ARMED ATTACK. THE PROVISIONS OF THE MUTUAL DEFENSE TREATY MOST RELEVANT ARE ARTICLES IV AND V. UNDER ARTICLE IV, EACH PARTY OBLIGATES ITSELF TO /ACT TO MEET THE COMMON DANGERS IN ACCORDANCE WITH ITS CONSTITUTIONAL PROCESSES" IN THE EVENT OF AN /ARMED ATTACK IN THE PACIFIC AREA ON EITHER OF THE PARTIES." ARTICLE V PROVIDES THAT "AN ARMED ATTACK" IS DEEMED TO INCLUDE /AN ARMED ATTACK ON THE METROPOLITAN TERRITORY OF EITHER OF THE PARTIES, OR ON THE ISLAND TERRITORIES UNDER ITS JURISDICTION IN THE PACIFIC OR ON ITS ARMED FORCES, PUBLIC VESSELS OR AIRCRAFT IN THE PACIFIC." AN EXTERNAL ATTACK ON ANY PART OF THE METROPOLITAN PHILIPPINES WOULD MAKE THE TREATY APPLICABLE AND WOULD, ACCORDINGLY, OBLIGATE THE UNITED STATES TO "ACT TO MEET THE COMMON DANGERS IN ACCORDANCE WITH ITS CONSTITUTIONAL PROCESSES."

-- "METROPOLITAN TERRITORY OF THE PHILIPPINES"
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MEANS ALL OF THE LAND AREAS AND ALL ADJACENT WATERS SUBJECT TO THE SOVEREIGNTY OF THE REPUBLIC OF THE PHILIPPINES, IN ACCORDANCE WITH INTERNATIONAL LAW, LYING WITHIN THE AREA DELINEATED BY SPAIN AND THE UNITED STATES IN THE TREATY OF PARIS OF DECEMBER 10, 1898, AND IN THE TREATY OF WASHINGTON OF NOVEMBER 7, 1900, AND SUBSEQUENTLY AMENDED IN THE TREATY CONCLUDED BY THE UNITED STATES AND GREAT BRITAIN ON JANUARY 2, 1930.

-- THE REFERENCE IN THE TREATY TO "CONSTITUTIONAL PROCESSES" SERVES TO MAKE CLEAR THAT THE TREATY COULD NOT, AND WAS NOT INTENDED TO, ALTER THOSE PROCESSES FOR EITHER PARTY. IN THE CASE OF THE UNITED STATES, THE POWERS OF THE PRESIDENT UNDER OUR CONSTITUTION AS CHIEF EXECUTIVE AND COMMANDER-IN-CHIEF ARE EXTENSIVE AND REMAIN UNIMPAIRED BY THE TREATY, AS WELL AS BY LEGISLATION SUCH AS THE RECENT WAR POWERS RESOLUTION. THAT RESOLUTION PROVIDES SPECIFICALLY THAT IT IS NOT INTENDED TO ALTER THE CONSTITUTIONAL AUTHORITY OF THE

PRESIDENT, THE CONGRESS, OR THE PROVISIONS OF EXISTING TREATIES.

-- MUTUALITY IN OUR RELATIONSHIP SHAPES THE UNITED STATES APPROACH TO ALL ISSUES BETWEEN THE UNITED STATES AND THE PHILIPPINES. THE MUTUAL DEFENSE TREATY IS THE MOST EXPLICIT STATEMENT OF THIS MUTUALITY, WHICH ON OUR PART INCLUDES THE FORWARD DEPLOYMENT OF COMBAT-READY FORCES. HOWEVER, THE MUTUAL DEFENSE TREATY HAS FORCE AND EFFECT INDEPENDENT OF THE MILITARY BASES AGREEMENT. IN FACT, THE MUTUAL DEFENSE TREATY, WHICH ENTERED INTO FORCE FOUR YEARS AFTER THE MILITARY BASES AGREEMENT, STATES IN ITS SECRET

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PREAMBLE THAT "...NOTHING IN THIS PRESENT INSTRUMENT SHALL BE CONSIDERED OR INTERPRETED AS IN ANY WAY OR SENSE ALTERING OR DIMINISHING ANY EXISTING AGREEMENTS OR UNDERSTANDINGS BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF THE PHILIPPINES." THE MUTUAL DEFENSE TREATY AND THE MILITARY BASES AGREEMENT HAVE THEIR OWN SEPARATE PROVISIONS FOR TERMINATION.

-- BY "REVIEW" OF THE MILITARY BASES AGREEMENT AFTER FIVE YEARS WE MEAN A COMPLETE AND THOROUGH PROCESS WHICH WOULD ADDRESS ANY OUTSTANDING ISSUES

BETWEEN OUR TWO GOVERNMENTS REGARDING THE MILITARY BASES AGREEMENT, INCLUDING ITS PROVISIONS, ITS DURATION, AND THE MANNER OF ITS IMPLEMENTATION, TO ASSURE THAT THE AGREEMENT CONTINUES TO SERVE THE MUTUAL INTERESTS OF BOTH PARTIES.

-- IN CLOSING, LET ME SAY THAT I DEEPLY APPRECIATE THE IMPORTANT ROLE YOU HAVE PLAYED IN BRING THESE SIGNIFICANT TALKS TO A SUCCESSFUL CONCLUSION

-- IN THIS NEW YEAR I LOOK FORWARD TO A CONTINUATION OF THE COOPERATION WHICH HAS SO LONG MARKED RELATIONS BETWEEN OUR TWO COUNTRIES AND OUR PERSONAL RELATIONSHIP.

-- SINCERELY,

-- CYRUS VANCE

UNQUOTE

VANCE

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